

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA AT ELKINS**

**FRIEDRICHS HARRIS, ADMINISTRATOR OF  
THE ESTATE OF EVAN M. HARRIS,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO.: 2:16-cv-00046  
JUDGE BAILEY**

**Q&A ASSOCIATES, INC.,  
ANGELA SHOCKLEY, KEITH BISHOP,  
MATTHEW SHOCKLEY, SANDY  
SCHMIEDEKNECHT, and TAMMY ROBBINS.**

**Defendants.**

**JOINT MOTION FOR AMENDED SCHEDULING ORDER  
AND DEFENANTS' MOTION FOR NEW TRIAL DATE**

COME NOW, Defendants, Q&A Associates, Inc. (hereinafter "Q&A"), Angela Shockley, Keith Bishop, Matthew Shockley, Sandy Schmiedeknecht, and Tammy Robbins (hereinafter "Defendants"), and Plaintiff, Friedrichs Harris, Administrator of the Estate of Evan Harris, by their respective counsel, and jointly move the Court for a new Scheduling Order. Additionally, Defendants also move that a new trial date be scheduled for this matter. In support of their motion, the parties state as follows:

1. On June 10, 2016, Plaintiff Friedrichs Harris, Administrator of the Estate of Evan M. Harris, filed the Complaint in this case. [EMCF Doc. 1].
2. Defendants filed their Answer to the Complaint [EMCF Doc. 11] on September 19, 2016, and their Amended Answer on September 23, 2016. [EMCF Doc. 13].
3. On November 4, 2016, Defendants filed Defendants Q&A Associates, Inc., Angela Shockley, Keith Bishop, Matthew Shockley, Sandy

Schmiedeknecht, and Tammy Robbins' Motion to Compel Arbitration. [EMCF Doc. 19].

4. On November 18, 2016, Plaintiff's Response to Defendants' Motion to Compel Arbitration was filed. [EMCF Doc. 21].
5. The Reply in Support of Defendants Q&A Associates, Inc. Angela Shockley, Keith Bishop, Matthew Shockley, Sandy Schmiedeknecht, and Tammy Robbins' Motion to Compel Arbitration and Stay Proceedings was filed on November 25, 2016. [EMCF Doc. 23].
6. An evidentiary hearing on the Motion to Compel Arbitration occurred on January 4, 2017, at 10:00 a.m. in Wheeling, WV with Judge Bailey presiding. Defendants and Plaintiff called witnesses and admitted evidence for consideration by the Court.
7. While awaiting the Court's ruling on the Motion to Compel Arbitration, the case could not advance and no discovery could occur because jurisdiction in this Court was at issue.
8. On March 3, 2017, the Court issued a sealed Opinion and Order Denying the Motion to Compel Arbitration. [EMCF Doc. 41].
9. On the same day as the Opinion and Order was issued, Plaintiff served four sets of written discovery on the Defendants. [EMCF Docs. 42-45].
10. Shortly thereafter, on March 15, Defendant Angela Shockley served her first set of written discovery upon the Plaintiff. [EMCF Doc 46].

11. Because the volume of documents to be produced and the multitude of witnesses in this case, the parties have discussed a plan for discovery and agreed that they need more time than the current scheduling order allows.
12. Due to the four-month time delay of discovery while briefing, arguing, and awaiting the written opinion of the Motion to Compel Arbitration, this case is behind schedule despite the best efforts of the parties.
13. According to the current scheduling order, the trial of this matter is scheduled to begin on January 16, 2018. With no depositions taken and limited written discovery having been propounded, the parties cannot complete discovery by June 29, 2017.
14. For these reasons, the parties jointly move the Court for an Amended Scheduling order so they may have additional time to complete discovery.
15. As such, the parties request that the current Scheduling Order be vacated and an Amended Scheduling Order be entered.

#### **DEFENDANTS' MOTION FOR NEW TRIAL DATE**

1. Although the parties agree that discovery cannot be completed within the current deadlines set forth in the Scheduling Order, Defendants further believe that a new trial date is needed to accommodate the extended time for discovery and motions practice in this case.
2. Plaintiff does not agree to continue the current trial date, but instead believes that the trial date can be maintained, even if there are new discovery and other deadlines.

3. The current dispositive motions deadline is August 31, 2017, and it is unlikely that discovery will be completed by this date.
4. Pre-trial disclosures, including the trial witness list, depositions and interrogatories for use at trial, and trial exhibits, are due on November 1, 2017.
5. Assuming that the parties simply require four additional months to rectify the four-month delay due to the Motion to Compel arbitration, discovery will not conclude until October 2017. The parties and the Court will, therefore, be hard pressed to squeeze the motions deadlines and pre-trial deadlines in the remaining three months leading to the trial date.
6. Accordingly, the Defendants request that the current trial date be vacated and a trial date and new pre-trial deadlines be entered.

WHEREFORE, Defendants, Q&A Associates, Inc. (hereinafter "Q&A"), Angela Shockley, Keith Bishop, Matthew Shockley, Sandy Schmiedeknecht, and Tammy Robbins (hereinafter "Defendants"), and Plaintiff, Friedrichs Harris, Administrator of the Estate of Evan Harris, jointly move the Court for an Amended Scheduling Order. Furthermore, Defendants also request that a new trial date be scheduled for this matter, which Plaintiff opposes.

**JOINTLY SUBMITTED,**

**By Counsel**

/s/ Lindsey M. Saad

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**Defendants.**

**CERTIFICATE OF SERVICE**

I certify that on this 2nd day of May, 2017, I filed electronically via CM/ECF a true copy of “**JOINT MOTION FOR AMENDED SCHEDULING ORDER AND DEFENANTS’ MOTION FOR NEW TRIAL DATE**” with notice of the same being electronically served by the Court, addressed to the following:

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